



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harpold, et al.

Serial No.: 07/938,154

Filed: November 30, 1992

For: **HUMAN NEURONAL NICOTINIC
ACETYLCHOLINE RECEPTOR
COMPOSITIONS AND METHODS
EMPLOYING SAME**

Art Unit: 1812

Examiner: Ulm, J.

Receipt #27
I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Application Processing Division, Customer Correction Branch, Washington, D.C. 20231, on this date.

July 30, 1996

RECEIVED

26 NOV 1996

Legal Staff
International Division

Patricia Munoz
Patricia Munoz

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

SEARCHED
INDEXED
FILED
OCT 1 1996
USPTO
C-350856

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

After a careful review of the Official Filing Receipt, an error has been noted. The filing date of the above-captioned application (USSN 07/938,154) is incorrect. The correct filing date of USSN 07/938,154 is 11/30/92. It is requested that this error be corrected so that the Official Filing Receipt reads as set forth above, and that Applicants be provided with a new Official Filing Receipt. A revised copy of the Official Filing Receipt is attached hereto.

Attention is directed to the Decision on Petition Under 37 C.F.R. § 1.181 dated February 22 1994, particularly page 2, which indicates under the Heading "CONCLUSION" that this application will be given an international filing date of 30 November 1992 under 35 U.S.C. 371(c) and 102(e). A copy of this Petition, with the relevant portion highlighted, is enclosed for your convenience.

HARPOLD *et al.*
USSN 07/938,154
REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Applicants respectfully request correction of the Official Filing Receipt
and reissuance of the same.

* * *

Respectfully submitted,

BROWN, MARTIN, HALLER & McCLAIN

By:


Stephanie L. Seidman
Registration No. 33,779

Attorney Docket No. 6362-9380

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July 30, 1996
Date


Patricia Munoz

TRANSMITTAL OF REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is a Request for Corrected Official Filing Receipt, a revised copy of the Official Filing Receipt and a copy of the Decision on Petition Under 37 C.F.R. § 1.181 for filing in connection with the above-identified application. It is believed no fee is due in connection with the filing of this document. However, should it be determined that a fee for filing this paper is required, the Commissioner is authorized to charge Deposit Account No. 02-4070, as stated below:

(X) The Commissioner is hereby authorized to charge any fees that may be due under 37 C.F.R. §§1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 02-4070. A duplicate of this sheet is enclosed.

Respectfully submitted,
BROWN, MARTIN, HALLER & McCLAIN

By: 
Stephanie Seidman
Registration No. 33,779

Attorney Docket No. 6362-9380
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FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
07/938,154	04/03/91	1807	\$840.00	51247- <i>P419380</i>	11	1	1

11/30/92

FITCH, EVEN, TABIN & FLANNERY
135 S. LASALLE STREET
STE. 900
CHICAGO, IL 60603-4277

Receipt is acknowledged of this patent application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s) MICHAEL M. HARPOLD, EL CAJON, CA; STEVEN B. ELLIS, SAN DIEGO, CA; PAUL BRUST, SAN DIEGO, CA; MICHAEL AKONG, SAN DIEGO, CA; GONUL VELICELEBI, SAN DIEGO, CA.

FOREIGN/PCT APPLICATIONS-PCT

PCT/US91/02311 04/03/91

FOREIGN FILING LICENSE GRANTED 03/28/94

TITLE

HUMAN NEURONAL NICOTINIC ACETYLCHOLINE RECEPTOR COMPOSITIONS AND METHODS EMPLOYING SAME

PRELIMINARY CLASS: 435

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FEB 28 '94

22 FEB 1994

FITCH, EVEN, TABIN & FLANNERY
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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United States International Searching Authority
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United States Designated Office
United States Elected Office

Address: Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

In re Application of	:	
HARPOLD et al	:	DECISION ON
Serial No.: 07/938,154	:	
PCT No.: PCT/US91/02311	:	PETITION
Int. Filing Date: 03 April 1991	:	
Priority Date: 03 April 1990	:	UNDER 37 CFR 1.181
For: HUMAN NEURONAL NICOTINIC	:	
ACETYLCHOLINE RECEPTOR	:	
COMPOSITIONS AND METHODS	:	
EMPLOYING SAME	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Unavoidably Abandoned Under 37 C.F.R. 1.137(a)" filed 09 August 1993 which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 03 April 1991, applicant filed international application PCT/US91/02311, which claimed priority of an earlier U.S. application filed 03 April 1990. A Demand for international preliminary examination, in which the United States was elected, was timely filed on 31 October 1991. Accordingly, the thirty-two month period for entering the national stage in the United States expired at midnight on 03 December 1992.

On 30 November 1992, applicant completed all the requirements under 35 U.S.C. 371 for entry into the national stage in the United States.

On 21 June 1993, the United States Designated/Elected Office mailed a Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903). The notification indicated an international filing date of 03 April 1991 and a 35 U.S.C. 371 and 102(e) date of 30 November 1992.

On 16 July 1993, Application Processing Division mailed A NOTICE OF INCOMPLETE APPLICATION (Form PTO-1123) indicating that Figure 9 was needed, a NOTICE TO FILE MISSING PARTS OF APPLICATION -- NO FILING DATE (Form PTO-1532) indicating that the

oath or declaration did not cover items required on the Notice of Incomplete Application and the application did not comply with the Sequence Rules, and NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE.

On 22 October 1993, applicant filed an amendment to the specification which contains the sequence listing and a Computer Readable Form (CRF) of the Sequence Listing.

COMPLETENESS OF DRAWINGS

The Receiving Office notified applicants in the INVITATION TO CORRECT DEFECTS IN THE INTERNATIONAL APPLICATION mailed 06 May 1991 that the drawings were improper and that new sheet of drawings were required. On 06 June 1991, applicant filed replacement sheets with the United States Receiving Office. The replacement sheets were accepted by the United States Receiving Office and made an official part of the international application. Therefore, the international application is complete. Applicant has fully complied with 37 U.S.C. 371, and the specification and drawings of the international application are acceptable for entry into the national stage in the United States. Accordingly, the NOTICE OF INCOMPLETE APPLICATION (form PTO-1123) and NOTICE TO FILE MISSING PARTS OF APPLICATION -- NO FILING DATE (form PTO-1532) erroneously mailed out by Application Processing Division are VACATED.

POWER OF ATTORNEY

It is noted that the Mr. William T. Comer, President and Chief Executive Officer, The Salk Institute Biotechnology/Industrial Associates, Inc, purporting to be the assignee of the present invention has filed a change in the Power of Attorney. It is noted that an assignment has not been recorded in the present application. For the assignee to take action in an application, the assignee must establish the right to take action as set forth in 37 CFR 3.73(b). See MPEP § 324. Therefore, this decision is being mailed to Fitch, Even, Tabin & Flannery, the law office of the attorneys of record.

CONCLUSION

This application will be given an international filing date of 03 April 1991 under 35 U.S.C. 363 and a date of 30 November 1992 under 35 U.S.C. 371(c) and 102(e).

This application will be forwarded to Application Processing

Division for processing including consideration of the Sequence Listing and the Computer Readable Form (CRF) of the Sequence Listing filed on 22 October 1993.



Leonard E. Smith
Legal Examiner
International Division



Conferee: Charles A. Pearson
Administrator
International Division